

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA)

v.)

GARY NEWELL,)
Defendant)

CRIMINAL NO. 03-10370-DPW

DEFENDANT GARY NEWELL'S MOTION FOR LEAVE
TO FILE MOTION TO DISMISS ONE DAY LATE

Defendant Gary Newell hereby requests leave to file his Motion to Dismiss and its corresponding Memorandum of Law and its attachments, which are filed with this motion for leave, one day late. The defendant's non-discovery motions were due to be filed on November 22, 2004.

As grounds therefore, undersigned counsel states that she is a member of a two person law office and the only member engaged in the practice of criminal law. Although defense counsel filed the defendant's Motion to Suppress Evidence (relating to the warrantless search) and his Motion for Franks Hearing and Motion to Suppress (relating to the search conducted pursuant to the search warrant) with their attachments in timely fashion, the complexity of the issues presented in this case and some pressing issues concerning other clients prevented her from completing and filing her Motion to Dismiss yesterday.

Wherefore, defense counsel respectfully requests that her motion for leave be granted as reasonable and in the interests of justice.

Respectfully submitted,
GARY NEWELL,
By his attorney,

DATED: November 23, 2004

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of this document was served upon the attorney of record for each party and each party appearing *pro se*, by ~~mail~~ hand delivery, facsimile, e-mail or ~~service, on~~ and mail on 11/23/04

Debra A. DelVecchio